

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Cotton et al.  
 Serial No. : 10/672,936  
 Filed : September 25, 2003  
 For : NOVEL FORMS OF S-OMEPRAZOLE  
 Examiner : Aulakh, Charanjit  
 Group Art Unit : 1625

<b>CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8</b> I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date indicated below.	
/John M. Genova/	December 6, 2007
Signature	Date of Signature

**Mail Stop Amendment**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**BEFORE MAILING OF EITHER A FINAL ACTION**  
**OR NOTICE OF ALLOWANCE (37 C.F.R. §1.97(e))**

Sir:

Applicants submit this communication in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. Favorable consideration of the document cited on the attached Form PTO/SB/08A is respectfully requested.

Applicants wish to make of record a so-called Notice of Allegation ("Notice"), dated November 13, 2007, of noninfringement and invalidity in connection with claims of Canadian Letters Patent No. 2,290,963 (the "Canadian patent"). The Canadian patent and the referenced U.S. application, including the grandparent US 6,369,085 (the "'085 patent") and parent US 6,677,455 (the "'455 patent"), belong to the same patent family and are owned by the same corporate assignee. A copy of the Notice is submitted herewith.

Schedule B to the Notice identifies documents in support of the Notice. These documents, or an equivalent thereof, are of record in the referenced application and were either cited by the Office or Applicants in an Information Disclosure Statement.

With reference to the documents listed in Schedule B, document nos. 1, 10 and 11 belong or relate to the same patent family as the referenced application. Document nos. 2, 3 and 5 are related to each other. Specifically, document no. 2, i.e., German Patent Application 40 35 455, was disclosed by Applicants and is the priority application of document no. 3, i.e., WO 92/08716, which is not of record. Document no. 5 is a translation of the document no. 2. With regard to document nos. 4 and 8, i.e., Canadian Letters Patent 2,139,653 and 2,166,794, respectively, Applicants disclosed the U.S. member belonging to the same patent family, i.e., US 5,714,504 and 5,900,424, respectively. Applicants disclosed documents nos. 6, 7 and 9, i.e., WO 94/27988 (which is incorrectly identified on Schedule B as "WO 94/17988), WO 95/01977 and WO 96/01623, respectively.

#### **TIME OF TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

This Information Disclosure Statement is being filed after the period specified in 37 C.F.R. §1.97(b) but before the mailing date of either: (1) a final action under §1.113 or (2) a notice of allowance under §1.311, whichever occurs first. Authorization is hereby given to charge Deposit Account No. 23-1703 in the amount of One Hundred and Eighty Dollars (\$180.00) to cover the fee as required by 37 C.F.R. §1.17(p) and any other fee that may be required in connection with this communication.

Dated: December 6, 2007

Respectfully submitted,

/John M. Genova/

Reg. No. 32,224  
Customer No. 007470  
Direct Dial: (212) 819-8832